

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ROTHSCHILD CONNECTED DEVICES  
INNOVATIONS, LLC,

*Plaintiff,*

v.

ADS SECURITY L.P.,

*Defendant.*

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Case No. 2:15-CV-01431-JRG-RSP

**ORDER**

This Court previously entered an Order (Dkt. No. 136) Adopting the Report and Recommendation (Dkt. No. 131) to dismiss this case due to insufficient service of process despite Defendant ADS Security L.P.'s ("ADS") Objection (Dkt. No. 134) to it. ADS now files a Motion to Reconsider the Order Adopting the Report and Recommendation ("Motion"). (Dkt. No. 137).

ADS' Motion is governed by Fed. R. Civ. P. 59(e). A motion filed within 28 days of judgment, as here, is treated as a motion to alter or amend under Rule 59(e). *See Edward H. Bohlin Co. v. Banning Co.*, 6 F.3d 350, 353 (5th Cir. 1993) (collecting cases). A Rule 59(e) motion may be granted if the moving party demonstrates any of the following: (1) the judgment was based upon a manifest error of law or fact; (2) there is newly discovered or previously unavailable evidence; (3) to prevent manifest injustice; or (4) there is an intervening change in controlling law. *See* 11 Wright, Miller & Kane, *Federal Practice and Procedure* § 2810.1 (3d ed. 2019).

"Rule 59(e) is not simply a vehicle to reargue facts and theories upon which a court has already ruled, or to raise new arguments that could have been presented before judgment was entered." *Sabzevari v. Reliable Life Ins. Co.*, No. CIV.A. H-03-3240, 2006 WL 2336909, at \*1


(S.D. Tex. Aug. 10, 2006), *aff'd*, 264 F. App'x 392 (5th Cir. 2008) (citing *Simon v. United States*, 891 F.2d 1154, 1159 (5th Cir.1990)).

ADS, in its briefing for the Motion, did not raise new arguments. Further, ADS failed to cite or discuss the standard under Rule 59(e) and failed to argue or explain why the Motion should be granted pursuant to that rule.

For those reasons and for the reasons set forth within the Report and Recommendation and Order Adopting, the Court **DENIES** the Motion.

**So Ordered this**

**Nov 12, 2019**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE